

State of California
AIR RESOURCES BOARD

Executive Order G-98-052

WHEREAS, on May 21, 1998, the Air Resources Board (the "Board" or "ARB") conducted a hearing to consider amendments to the Ethylene Oxide Airborne Toxic Control Measure for Sterilizers and Aerators (Sterilizer ATCM);

WHEREAS, following the public hearing on May 21, 1998, the Board adopted Resolution 98-20, attached hereto and incorporated by reference herein, in which the Board approved the regulatory amendments set forth in Attachment A to the Resolution, with the modifications identified in Attachment B to the Resolution;

WHEREAS, the Board in Resolution 98-20 directed the Executive Officer to adopt the regulatory amendments set forth in Attachment A with the modifications identified in Attachment B after making them available to the public for a period of 15 days, provided that the Executive Officer was to consider such written comments as were submitted during this period, was to make such modification as were appropriate in light of the comments received, and was to present the regulation to the Board for further consideration if he determined that this was warranted;

WHEREAS, the changes to the originally purposed amendments included the following: a new requirement that small commercial facilities shall maintain copies of their annual ethylene oxide use reports on site for five years; a requirement that an air pollution control or air quality management district (district) shall gain the concurrence of the ARB and the U.S. EPA Administrator (rather than consult with the ARB) before approving an alternative compliance testing method; and, other non-substantive changes and grammatical corrections;

WHEREAS, the approved amendments to the regulation were made available for public comment for a period of 15 days commencing June 11, 1998, with the changes to the originally proposed amendments clearly indicated, and no public comments were received.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 98-20 are incorporated herein.

IT IS FURTHER ORDERED that sections 93108 and 94143 of Title 17, California Code of Regulations, are amended, and section 93108.5, California Code of Regulations, is adopted as set forth in Attachments A and B to Resolution 98-20.

IT IS FURTHER ORDERED that sections 93108, 93108.5, and 94143 be forwarded to the districts for their use in complying with section 39666 of the Health and Safety Code.

IT IS FURTHER ORDERED that the relevant sections be submitted to the United States Environmental Protection Agency for approval as the substitute for the Ethylene Oxide Emissions Standards for Sterilization Facilities (40 Code of Federal Regulations Part 63, subpart O).

Executed this ____ day of _____, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachments